

IN THE CHANCERY COURT OF TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

LOUIS E. MALVEZZI,

Plaintiff,

v.

Case No.: CH-14-0159-1

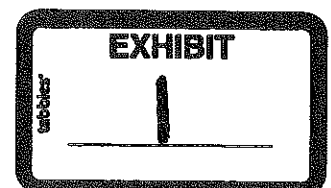
THE HARTFORD CASUALTY
INSURANCE COMPANY,

Defendant.

COMPLAINT

COMES NOW the Plaintiff, Louis E. Malvezzi, and sues the Defendant, Hartford Casualty Insurance Company and shows unto the Court as follows:

1. The Plaintiff, Louis E. Malvezzi, resides at 4778 Barfield Road, Memphis, TN 38117 and has at all times material herein.
2. That the defendant, Hartford Casualty Insurance Company is an insurance company doing business in the State of Tennessee with its principal offices at Hartford Plaza, Hartford, Connecticut 06115 and is subject to the jurisdiction of this Court.
3. On or about February 4, 2008, the Defendant insured the Plaintiff's commercial building against loss or injury by fire and other perils in a policy of insurance bearing policy number 20 SBA LP9337 DV for the term of one (1) year from 6/26/07 to 6/26/08. A copy of said policy will be filed in this cause at the appropriate time.
4. The said commercial property was totally destroyed by fire on February 4, 2008, of which the Defendant has had notice.
5. Although the Plaintiff has performed all conditions precedent to his right of recovery under said policy of insurance, the Defendant has failed and refused to make



payments to the Plaintiff in the proper amount. The failure of the Defendant to pay the Plaintiff is, and has been without justification and the payment has been withheld from the Plaintiff in bad faith. Therefore, the Plaintiff is entitled to recover in addition to the amount of the policy, an additional amount equal to 25% of the face value amount of the policy, pursuant to T.C.A. §56-7-105.

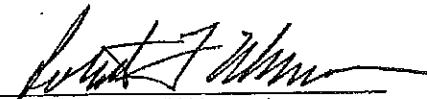
6. Furthermore, the Defendant has made improper direct contacts with the Plaintiff after being advised that the Plaintiff was represented by counsel.

7. At the time of the loss the Plaintiff engaged Welch Builders to perform an analysis and prepare an estimate for repairs to said insured building, which estimate is in the amount of \$90,203.00 and is attached as collective Exhibit "A" to this complaint. This information has been previously provided to the Defendant.

WHEREFORE, PREMISES CONSIDERED, Plaintiff Louis E. Malvezzi demands a judgment of \$150,000.00 plus attorney's fees and punitive damages and all interest and costs herein.

Respectfully submitted,

Cochran, Uhlmann, Abney, Duck & Wright



Robert F. Uhlmann, #4440
5050 Poplar Avenue, Suite 1134
Memphis, TN 38157
rob@cuadw.com
(901) 525-2426

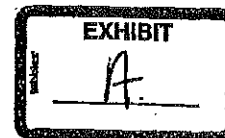
Welch Builders

7761 Wolf River Blvd.
Germaniown, TN 38138
Phone: 901-759-6100
Fax: 901-759-6111

Customer's Name: Louis E. Malvezz

Home Phone: 0
Business Phone: 901-689-5103

Demo and remove all fire damaged materials.
Draw plans for reconstruction of structure.
Secure all necessary building permits.
Rebuild structure in its entirety including but not limited:
Frame floor joist, walls and roof system.
Install siding.
Install drywall and paint.
Install flooring.



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6488
27-JUN-00

LOUIS E. MALVEZZI
4776 BARFIELD RD
MEMPHIS, TN 38117

Pay to the order of Wesley Builders May 16, 2008 \$ 500.00

Five Hundred 00/100 Dollars

SUNTRUST ACH RT 001000123
For 693 E Shelby Dr Louis E Malvezz
⑆064000046⑆00000002876993⑆ 6488

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4/15/2008

Welch Builders

7751 Wolf River Blvd
 Germantown, TN 38138
 Phone: 901-759-8100
 Fax: 901-759-5111

Customer's Names: Louis E Malvezz

Home Phone: 0
 Business Phone: 901-683-5103

Date: 4/15/2008

Total Bid Price: \$90,203.00

Contractor Notes:

We appreciate the opportunity to present this bid look forward to working with you. The attached bid is valid until May 15, 2008.

This bid is based on visual inspection only and does NOT include items which may need to be addressed that are hidden from site in order for the structure to be safe and secure. The scope of the work included in this bid and to be performed from inspection include:

Demo and remove all fire damaged materials.
 Draw plans for reconstruction of structure.
 Secure all necessary building permits.
 Rebuild structure in its entirety including but not limited:
 Frame floor joist, walls and roof system.
 Install siding.
 Install drywall and paint.
 Install flooring.

Upon acceptance of bid, customer and contractor shall enter into a formal Contract.

Payment Schedule:

One half of the bid amount is to be paid at time of contract, this amount will be used to purchase all the materials necessary for the job.
 Twenty-five percent of the bid will be paid at the mid-way point of the project.
 The final twenty-five percent will be paid at completion of the job.

Contractor Signature: _____

Date: _____

Customer Signature: _____

Date: _____

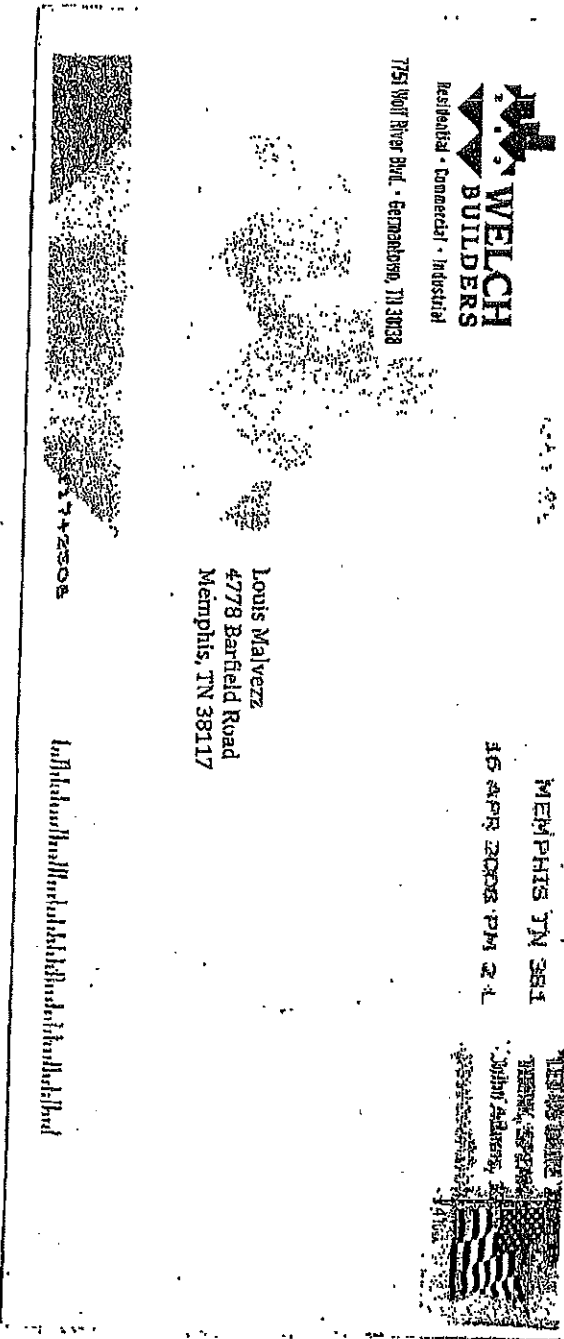
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Welch Builders

4/15/2008

Customer's Name: Louis E Melvez

Project Name: 693 East Shelby Drive

Home Phone:

Project Address: 693 East Shelby Drive

Business Phone: 901-683-6103

Lot Number:

Subdivision:

Total Sales Price: \$ 90,203.00

Code	Project Overhead & Lot	Est. Cost or Bid	Crew 1	Crew 2	Crew 3	Value
1000	Lot	\$ -				\$ -
	Permit and Fees	\$ 500.00				\$ 500.00
	Architecture & Engineering	\$ 2,000.00				\$ 2,000.00
	Temporary Utilities	\$ -				\$ -
	Construction Loan	\$ -				\$ -
	Supervision	\$ 1,578.55				\$ 1,578.55
	Insurance	\$ 902.03				\$ 902.03
	Real Estate Commission	\$ -				\$ -
	Subtotal - Project OH & Lot	\$ 4,980.58				\$ 4,980.58

Code	Hard Costs	Est. Cost or Bid	Crew 1	Crew 2	Crew 3	Value
	Demolition	\$ 3,850.00				\$ 3,850.00
	Asbestos Survey	\$ 400.00				\$ 400.00
	Footings	\$ -				\$ -
	Foundation	\$ -				\$ -
	Full Foundation	\$ 2,000.00				\$ 2,000.00
	Plumbing	\$ 1,000.00				\$ 1,000.00
	Mechanicals/Slab	\$ -				\$ -
	Canopy	\$ -				\$ -
	Dampproofing	\$ -				\$ -
	Utility Laterals	\$ -				\$ -
	Septic System	\$ -				\$ -
	Private Water Well Allow.	\$ -				\$ -
	Fronting Material	\$ -				\$ -
	Framing	\$ 25,000.00				\$ 25,000.00
	Entry Doors	\$ -				\$ -
	Ceiling Tile	\$ -				\$ -
	Windows	\$ -				\$ -
	Plumbing	\$ 7,440.00				\$ 7,440.00
	Heating	\$ -				\$ -
	A/C Conditioning	\$ 5,990.00				\$ 5,990.00
	Electrical	\$ 3,886.00				\$ 3,886.00
	Light Fixture Allowance	\$ 1,500.00				\$ 1,500.00
	Roofing	\$ -				\$ -
	Insulation	\$ -				\$ -
	Drywall & Paint	\$ 10,000.00				\$ 10,000.00
	Finish Carpentry	\$ 950.00				\$ 950.00
	Finish Carpentry Labor	\$ -				\$ -
	Palinid	\$ -				\$ -
	Tile/Marble	\$ -				\$ -
	Floors Allowance	\$ -				\$ -
	Floor Coverings	\$ 3,350.00				\$ 3,350.00
	Cabinets	\$ 1,220.00				\$ 1,220.00
	Countertops	\$ -				\$ -
	Appliances	\$ -				\$ -
	Hardware & Mirrors	\$ -				\$ -
	Siding	\$ -				\$ -
	Soffit & Fascia	\$ -				\$ -
	Gutter	\$ -				\$ -
	Deck	\$ -				\$ -
	Exterior Siding	\$ -				\$ -
	Foundation Plaster	\$ -				\$ -
	Clean-up	\$ 1,000.00				\$ 1,000.00
	Landscaping	\$ -				\$ -
	Subtotal of Hard Costs:	\$ 72,594.00				\$ 72,594.00

Total Hard Costs & Proj. OH	\$ 77,574.58	\$ -	\$ -	\$ -	\$ 77,574.58
Company Overhead (O&A)	\$ 1,804.00				\$ 1,804.00
Builder's Margin	\$ 10,824.38				\$ 10,824.38
Total Sales Price:	\$ 90,203.00				\$ 90,203.00
Total Square Feet	#DIV/0!				\$

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Code	Project Overhead & Est	Est Cost or Bn	Draw 1	Draw 2	Draw 3	Variance
000101		\$ -				\$ -
	Permit and Fees	\$ 500.00				\$ 500.00
	Architecture & Engineering	\$ 2,000.00				\$ 2,000.00
	Temporary Utilities	\$ -				\$ -
	Construction Loan	\$ -				\$ -
	Supervision	\$ 1,578.55				\$ 1,578.55
	Insurance	\$ 902.03				\$ 902.03
	Real Estate Commission	\$ -				\$ -
	Subtotal - Project OH & Est	\$ 4,980.58	\$ -	\$ -	\$ -	\$ 4,980.58

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Item	Hard Costs	Material	Drawings	Drawings	Drawings	Variance
Demolition	\$ 3,850.00					\$ 3,850.00
Asbestos Survey	\$ 400.00	Does not include Asbestos removal if discovered				\$ 400.00
Footings	\$ -					\$ -
Foundation	\$ -					\$ -
CMU Foundation	\$ 2,000.00					\$ 2,000.00
Flatwork	\$ 1,000.00					\$ 1,000.00
Miscellaneous Steel	\$ -					\$ -
Canopy	\$ -					\$ -
Dampproofing	\$ -					\$ -
Utility Laterals	\$ -					\$ -
Septic System	\$ -					\$ -
Portable Water Well Allow.	\$ -					\$ -
Framing Material	\$ -					\$ -
Framing	\$ 25,000.00	Includes material and labor for siding, walls and floor joist				\$ 25,000.00
Entry Doors	\$ -					\$ -
Ceiling Tile	\$ -					\$ -
Windows	\$ -					\$ -
Climbing	\$ 7,440.00					\$ 7,440.00
Heating	\$ -					\$ -
Air Conditioning	\$ 5,999.00					\$ 5,999.00
Electrical	\$ 8,865.00					\$ 8,865.00
Light Fixture Allowance	\$ 1,500.00					\$ 1,500.00
Roofing	\$ -					\$ -
Insulation	\$ -					\$ -
Drywall & Paint	\$ 10,000.00	Material and Labor				\$ 10,000.00
Finish Carpentry	\$ 950.00					\$ 950.00
Finish Carpentry Labor	\$ -					\$ -
Painting	\$ -					\$ -
Tile/Marble	\$ -					\$ -
Hearth Allowance	\$ -					\$ -
Floor Coverings	\$ 3,350.00	Carpet and Vinyl Floor				\$ 3,350.00
Cabinets	\$ 1,220.00					\$ 1,220.00
Countertops	\$ -					\$ -
Appliances	\$ -					\$ -
Hardware & Mirrors	\$ -					\$ -
Siding	\$ -					\$ -
Soffit & Fascia	\$ -					\$ -
Gutter	\$ -					\$ -
Deck	\$ -					\$ -
Exterior Railing	\$ -					\$ -
Foundation Plaster	\$ -					\$ -
Clean-up	\$ 1,000.00					\$ 1,000.00
Landscaping	\$ -					\$ -
Subtotal of Hard Costs	\$ 72,594.00					\$ 72,594.00
Tot. Hard Costs & Prob. Cr.	\$ 77,574.58					\$ 77,574.58
Company Overhead (G&A)	\$ 1,804.06					\$ 1,804.06
Builder's Margin	\$ 10,824.36					\$ 10,824.36
Total Sales Price	\$ 90,203.00					\$ 90,203.00
Total Square Feet	4,111					

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**STATE OF TENNESSEE
Department of Commerce and Insurance
500 James Robertson Parkway
Nashville, TN 37243-1131
PH - 615.532.5260, FX - 615.532.2788
Jerald.E.Gilbert@tn.gov**

February 06, 2014

Hartford Casualty Insurance Company
800 S. Gay Street, Ste 2021 C/O Ct Corpo
Knoxville, TN 37929
NAIC # 29424

Certified Mail
Return Receipt Requested
7012 3480 0002 8941 9503
Cashier # 14118

Re: Louis E. Malvezzi V. Hartford Casualty Insurance Company
Docket # Ch-14-0159-1

To Whom It May Concern:

Pursuant to Tennessee Code Annotated § 56-2-504 or § 56-2-506, the Department of Commerce and Insurance was served February 06, 2014, on your behalf in connection with the above-styled proceeding. Documentation relating to the subject is herein enclosed.

Jerald E. Gilbert
Designated Agent
Service of Process

Enclosures

cc: Chancery Court Clerk
Shelby County
140 Adams Street, Rm 308
Memphis, Tn 38103



(CIRCUIT/CHANCERY) COURT OF TENNESSEE
140 ADAMS AVENUE, MEMPHIS, TENNESSEE 38103
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

SUMMONS IN CIVIL ACTION

Docket No. CH-14-0159-1
☒ Lawsuit
☐ Divorce

Ad Damnum \$ _____

Louis E. Malvezzi

Hartford Casualty Insurance Company

VS

Plaintiff(s)

Defendant(s)

TO: (Name and Address of Defendant (One defendant per summons))

Method of Service:

Hartford Casualty Insurance Company
Hartford Plaza
Hartford, CT 06115

- ☐ Certified Mail
☐ Shelby County Sheriff
☒ Commissioner of Insurance (\$)
☐ Secretary of State (\$)
☐ Other TN County Sheriff (\$)
☐ Private Process Server
☐ Other

(\$ Attach Required Fees

You are hereby summoned and required to defend a civil action by filing your answer with the Clerk of the Court and serving a copy of your answer to the Complaint on Robert F. Uhlmann Plaintiff's attorney, whose address is 5050 Poplar Ave., Suite 1134, Memphis, TN 38157, telephone 9015252426 within THIRTY (30) DAYS after this summons has been served upon you, not including the day of service. If you fail to do so, a judgment by default may be taken against you for the relief demanded in the Complaint.

TESTED AND ISSUED

1.31.14

By

[Signature]

TO THE DEFENDANT:

NOTICE: Pursuant to Chapter 919 of the Public Acts of 1980, you are hereby given the following notice: Tennessee law provides a four thousand dollar (\$4,000) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the Clerk of the Court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed. These include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible and school books. Should any of these items be seized, you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

FOR AMERICANS WITH DISABILITIES ACT (ADA) ASSISTANCE ONLY, CALL (901) 222-2341

I, JIMMY MOORE / DONNA RUSSELL, Clerk of the Court,
Shelby County, Tennessee, certify this to be a true and
accurate copy as filed this

1.31.14

JIMMY MOORE, Clerk / DONNA RUSSELL, Clerk and Master

By

[Signature]

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RETURN OF SERVICE OF SUMMONS	
I HEREBY CERTIFY THAT I <u>HAVE</u> SERVED THE WITHIN SUMMONS:	
By delivering on the _____ day of _____, 20____ at _____ M, a copy of the summons	
and a copy of the Complaint to the following Defendant _____	
at _____	
Signature of person accepting service _____	By: _____ Sheriff or other authorized person to serve process

RETURN OF NON-SERVICE OF SUMMONS	
I HEREBY CERTIFY THAT I <u>HAVE NOT</u> SERVED THE WITHIN SUMMONS:	
To the named Defendant _____	
because _____ is (are) not to be found in this County after diligent search and inquiry for the following	
reason(s): _____	
This _____ day of _____, 20____.	
	By: _____ Sheriff or other authorized person to serve process